



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 Post Office Square
Boston, MA 02109

MAR 24 2017

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Docket No. CWA-308-R01-FY17-28

Mr. Ernest J Thibeault, President/Owner
Thibeault Corporation of New England
603 Mammoth Rd.
Londonderry, NH 05053

**Re: Request for Information Pursuant to Section 308 of the Clean Water Act
(33 U.S.C. § 1318)**

Dear Mr. Thibeault,

Enclosed is a Request for Information ("Request") related to properties owned or operated by Thibeault Corporation of New England ("Thibeault Corporation") (offices and garage located at 603 Mammoth Rd., Londonderry, NH – "Facility") and its subsidiaries including but not limited to Allenstown Aggregates LLC, New Boston Sand and Gravel LLC and Thibeault Sand and Gravel LLC. On October 27, 2016, the U.S. Environmental Protection Agency, Region 1 (the "Region") conducted a Clean Water Act inspection at both the Facility and the quarry operated by Allenstown Aggregates located at 169 Granite Street, Allenstown, NH ("Allenstown Quarry" or "Site"). On February 8, 2017 EPA sent a follow-up letter summarizing some of the inspection findings.

Section 308(a) of the Clean Water Act ("the Act"), 33 U.S.C. § 1318(a) authorizes the United States Environmental Protection Agency ("EPA") to require any owner or operator of any point source to provide information needed to determine whether there has been a violation of the Act. Accordingly, you are hereby required, pursuant to 33 U.S.C. § 1318(a) to respond to the enclosed Information Request (**Enclosure 1**) **within thirty (30) calendar days of receipt of this letter.**

Please read the instructions and definitions in the enclosure carefully before preparing your response. Answer each question as clearly and completely as possible. Your response to this request must be accompanied by a certificate that is signed and dated by the person who is authorized by the Thibeault Corporation to respond to the request.

The certification must state that the response is complete and contains all information and documentation available to you that is responsive to the request. A **Statement of Certification** is enclosed with this letter (**Enclosure 2**).

Information submitted pursuant to this letter shall be sent by both electronically and by certified mail and shall be addressed as follows:

Alex Rosenberg
U.S. Environmental Protection Agency
Water Technical Unit (OES04-4)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Rosenberg.alex@epa.gov

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." These separate marked sheets should be submitted to EPA by hard copy or compact disc, and not by email. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an EPA enforcement activity. The enclosed Information Sheet (**Enclosure 3**) provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. Please be aware that this does not relieve you of your responsibility to comply with federal law, your NPDES Permit, and this information request.

You may wish to visit the EPA's national or Regional storm water websites to obtain more information on general Federal and State storm water requirements at:

<https://www3.epa.gov/region1/npdes/stormwater/index.html>
<https://www.epa.gov/npdes/npdes-stormwater-program>

Compliance with the provisions of this letter is mandatory. Failure to respond fully and truthfully or to respond within the time frame specified above constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001. Please be aware that the issuance of this letter and providing the requested information does not relieve you of any responsibility under the Act. If you have any technical

questions relating to this information request, please contact Alex Rosenberg of my staff at (617) 918-1709. If you have any legal questions, or if your attorney wishes to communicate with the EPA on your behalf, please contact Jeffrey Kopf, Senior Enforcement Counsel at (617) 918-1796.

Sincerely,



James Chow,
Technical Enforcement Manager
Office of Environmental Stewardship

Enclosures

- (1) Information Request
- (2) Statement of Certification
- (3) Information Sheet (U.S. EPA Small Business Resources)

cc: Michael Thibeault, Thibeault Corporation, Vice President
Vincent Iacozzi, Thibeault Corporation
Alex Rosenberg, Inspector, EPA Region 1
Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1
Stergio Spanos, NHDES

Remount for

Enclosure 1

Information Request

A. Instructions

1. All documents relied upon or used by you to answer any of the questions in the request must be copied and submitted to the EPA with your response. All documents must contain a notation indicating the question and subpart of the question to which they are responsive.
2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, please explain.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide a corrected response.
4. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request. Precede each answer with the text and the number of the question and the subpart to which the answer corresponds.

B. Respond to the Following Questions

1. Specify, without abbreviation, the full legal name of the owner(s) of the Facility located at 603 Mammoth Rd, Londonderry, NH. Provide the mailing address and phone number of any owner(s) of the Facility. If any owner(s) are incorporated, specify the state of incorporation and the principal place of business. If portions of the Facility have different owners, provide a map showing property line.
2. Provide a list of all facilities, sand and gravel quarries and on-going construction projects with addresses throughout New Hampshire, Vermont, Maine, Massachusetts, Connecticut and Rhode Island ("New England") that are subsidiaries of, or affiliated with, Thibeault Corporation, and names under which each facility does business.
3. Provide a flow chart/diagram that illustrates the corporate and management structure of Thibeault Corporation that includes references to the Facility, the Site (Allentown Quarry), and the other facilities, quarries and construction projects identified in question B.2. above. Identify who has responsibility for environmental compliance within Thibeault Corporation both currently and since January 1, 2012.
4. Provide the following information for the Facility, the Site (defined as the quarry located at 169 Granite St., Allentown, NH) as well as for any other locations where facilities, sand and gravel quarries, or construction projects listed in the answer to question B.2. above exist:
 - a. Identify the location, specifying the address and the name(s) given to any project(s) taking place on the location.
 - b. Specify the industrial activities¹ that have occurred at each location since January 1, 2012, and the time period over which they occurred;
 - c. Provide a list of operators² of the location during all times that industrial activities are/were occurring since January 1, 2012. Provide the name and address of each operator specified, the area of the location under its control, and the period of time during which each was an operator at the location.

¹ For the purpose of this letter, an "industrial activity" includes, but is not limited to storage of materials (e.g., exposed aggregate (sand and gravel), concrete, clay), material handling, mining of aggregate, hauling of material over access roads, mixing concrete, vehicle and equipment washing, vehicle fueling, etc.

² "Operator" in the context of storm water associated with construction activity means any party that: 1) has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or 2) has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions.

- d. Identify any areas where the following have been exposed to stormwater and that stormwater then has the potential to discharge to a surface water (including wetlands and streams) or a municipal separate storm water system ("MS4") (including catchbasin's and or road-side ditches) at any time between January 1, 2012 and the present: fueling; engine maintenance or repair; vehicle maintenance or repair; vehicle washing; painting; sanding; grinding, blasting; welding; metal fabrication; loading or unloading areas; locations used for the waste treatment, storage or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., wash water, detergents, oil, lubricants); and, material storage areas (e.g., sand, gravel, aggregate, scrap metal); and
 - e. Identify any industrial or construction activity that had generated or currently generates a process wastewater, the ultimate discharge location for each respective activity's wastewater and the dates that each activity generated the wastewaters.
5. For those locations that have applicable stormwater discharges as identified by being included in the response to question 4.b. above, provide a copy of each individual application and each signed and dated Notice of Intent ("NOI") form, and all related correspondence, used to obtain stormwater permit coverage under the EPA's September 29, 2008 and June 4, 2015, Multi-Sector General Permits for Stormwater Discharges from Industrial Activities, ("2008 MSGP" and "2015 MSGP" respectively). If permit coverage under these two MSGPs was not obtained, explain why MSGP coverage was not obtained.
- a. Provide a copy of the original and subsequent permit or permit authorization notice and the permit number(s) and dates of coverage.
 - b. State the date when the facility's first Stormwater Pollution Prevention Plan ("SWPPP") was prepared and the date(s) of any subsequent revisions. Submit copies of the past two final SWPPPs.
 - c. Provide a detailed site map that meets the conditions set forth in Part 5.2.2 of EPA's 2015 NPDES MSGP. The diagram shall clearly illustrate and label:
 - i. Approximate drainage boundaries including directions of stormwater flow and outfall locations (use arrows to show flow path);
 - ii. Means by which stormwater flows off the site, i.e., pumped or gravity;
 - iii. Boundary of impervious surfaces;

- iv. Drainage diversion and control structures (i.e., detention basins, sumps, garage drains and catch basins, outfall structures and drainage swales, etc.) in place to reduce pollutants discharged off the site;
 - v. Location of all existing structural BMPs to reduce pollutants in stormwater runoff;
 - vi. Location of surface waters including wetlands and streams;
 - vii. Identify areas where the following may be exposed to stormwater: fueling; engine maintenance or repair; vehicle maintenance or repair; vehicle washing; painting; sanding; grinding, blasting; welding; metal fabrication; loading or unloading areas locations used for the wastewater treatment, storage or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., wash water, detergents, oil, lubricants); and, material storage areas (e.g., sand, gravel, scrap iron); and
 - viii. Industrial activities which generate process wastewaters and ultimate discharge locations of each respective activity.
- d. For each location where stormwater associated with industrial or construction activities discharge to surface waters or wetlands, state the name and location of the receiving waters or wetlands. If unknown, identify the unnamed surface waters, and the nearest named surface water or wetland to which the unnamed water flows. If stormwater is not discharged directly to surface waters or wetlands (i.e., collected in a detention basin, swales, catch basins), describe the pathway of the stormwater flow including the immediate and ultimate destinations and the means of conveyance. If the discharge of stormwater has changed since the date(s) that earth-disturbing activities commenced, provide a description of the changes, and the dates when the discharge changed.
- e. Provide copies of all Stormwater Pollution Prevention Plans (SWPPPs) developed for the Site, and copies of all reports for inspections of the site in compliance with the NPDES MSGP since January 1, 2016.
- f. Describe all specific source control measures, best management practices ("BMPs") and structural controls which are or have been used to control stormwater runoff and minimize the pollutants in the stormwater discharge at the Site since commencement of construction. For each measure, BMP, and control, state the date when it was

installed. If there have been any changes or modifications to the measures, BMPs, or structural controls, describe the conditions prior to each change, the nature of each change, and the date(s) of changes, and the reasons why the change(s) were made.

- [illegible]

³ If an electronic copy of the SWPPP is submitted, a hard copy does not need to be provided as well.

SWPPP followed. If it was not followed, explain all differences and the reasons for the changes.

General Spill Prevention Control and Counter Measures (SPCC) Questions:

7. Provide responses to the following set of questions for both the Facility and Site:
 - a. The date when the location first started having the capacity to store oil above the SPCC regulatory thresholds set forth in 40 C.F.R. 112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of the Facility is greater than 42,000 gallons -or- the aboveground oil storage capacity of the Facility is greater than 1,320 gallons).
 - b. Please indicate if a SPCC Plan was developed and certified by a Registered Professional Engineer. If a SPCC plan has been developed, provide a copy of the current SPCC plan and provide copies of all prior plans for each facility that have dates between January 1, 2012 and the present (even if prepared for another owner). If an SPCC plan has not been developed, please provide explain why no plan has been developed and include a schedule of when an SPCC plan for each facility or site will be complete and fully implemented.
 - c. If you have determined that the location is no longer subject to the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, and is therefore not required to have an SPCC Plan, provide an explanation supporting such determination, including appropriate documentation.
 - d. Provide a list of all the oil storage capacity at each location, both underground and aboveground (including, tanks, drums, transformers, oil filled systems, etc.) and the type of oil stored in each container. Indicate each containers age and method of construction (e.g., single or double wall, welded or riveted, steel or fiberglass). Also indicate whether any secondary containment is provided around each container, and, if so, its method of construction (earth berm, steel wall, concrete block wall, poured concrete wall) and the total volume it can contain.
 - e. Describe the standard operating procedure ("SOP") for discharging stormwater accumulated in from secondary containment structures (e.g. concrete berm surrounding the bulk tanks at the Garage Facility's refueling station).
 - f. Submit inspection or testing documentation of diked water prior to releasing it from containment for the period from January 1, 2012 to present.

8. For each additional location listed in response to question B.2. above, please provide the following information:
- a. Provide the aggregate shell capacity of all above ground oil tanks and containers equal to or greater than 55 gallons in size at each facility.
 - b. Explain whether each additional facility is subject to the Oil Pollution Prevention regulations (40 C.F.R. Part 112).
 - c. For those facilities that are subject to the Oil Pollution Prevention regulations indicate whether the facility has a written, Professional Engineer-certified SPCC Plan or a written, self-certified SPCC Plan, and whether the SPCC Plan is being fully implemented at the facility; and
 - d. For facilities that are required to have an SPCC Plan but either do not have one or are not fully implementing their SPCC Plan, provide a time frame for when each facility is expected to be in compliance with the Oil Pollution Prevention Regulations.

Provide a separate response to the following questions for the Site (Allentown Quarry)

9. Describe whether any operator or owner of the Site has ever conducted a wetlands assessment and boundary delineation in order to map the amount of vegetated buffer between the southwest section of the Site and the wetlands. If so, provide a copy of such assessment and delineation. Describe the minimum distance from the Site's property boundary to the wetlands. If potential flow paths from the Site to the wetlands are inspected, describe the frequency of those inspections. If no wetlands assessment and delineation was carried out, explain how wetland boundaries were established for the purposes of producing the Site's Stormwater Pollution Prevention Plan.

Enclosure 2

Instructions: Complete and include with your response

STATEMENT OF CERTIFICATION

I declare under penalty of perjury that I am authorized to respond on behalf of Thibeault Corporation of New England. I certify that the foregoing responses and information submitted were prepared by me, or under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Title)

(Date)



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.